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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/986,995	11/13/2001	Rudi Koelle	225/50556	6047

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[REDACTED] EXAMINER

RODGERS, MATTHEW E

ART UNIT	PAPER NUMBER
3677	

DATE MAILED: 05/30/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/986,995	KOELLE ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Matthew E. Rodgers	3677	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 28 April 2003.
- 2a) This action is FINAL.                  2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-12 and 15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-12, 15 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

- |  |  |
|--|--|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                               | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ . |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)           | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ . | 6) <input type="checkbox"/> Other: _____ .                                   |

## **DETAILED ACTION**

### ***Claim Objections***

Claim 1 is objected to because of the following informalities: the limitation in line 3 “said outside handle” lacks antecedent basis and appears that it should be --said outside handle pull--; the limitation in line 10 “the outside” lacks antecedent basis. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-10 and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by German Patent No. 197 24 572 to Wegge (hereinafter “Wegge”). Wegge shows a handle pull (1, 3, 3'4, 5, 5', 2, 2') mounted to a carrier component (6, 6') at a forward or rear end within a mounting (7). The handle pull is guided within a guide mechanism (10). The sides of the guide mechanism define a guide direction that is tilted relative to a horizontal axis of the mounting. The guide mechanism has a guide element (holes through which arms 3' and 4' extend) having contact zones (area that contacts arms 3' and 4') that extend substantially parallel to the corresponding sides of the guide mechanism. The handle pull is equipped with a manually actuated hand grip (1). An upper side and underneath side of the hand grip extends

approximately horizontal to the vehicle. The swiveling axis (9) is tilted relative to a vertical axis of the mounting (7) that is normal to the upper or underneath side such that the handle pull pivots longitudinally upward and toward the outside. The carrier component (6, 6') does not pivot.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in-

- (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or
- (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

Claims 11 and 12 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,234,041 to Larabet et al (hereinafter “Larabet”). Larabet shows a door handle assembly having an exterior handle pull (32), a support component (26a) having a mounting (30), where the handle is mounted at a first longitudinal end within the mounting where the handle pivots longitudinally about a swiveling axis (40). The mounting is inclined upwards toward an exterior of the vehicle so that the swiveling axis is tilted (Figure 2) relative to a vertical axis of the mounting (30) and the handle pull pivots upward and outward. The handle is guided within a guide (30e) at a second longitudinal end, the side of the guide defining a guide direction substantially perpendicular to the swiveling axis.

#### ***Response to Arguments***

Applicant should note that since claims 13 and 14 are drawn to a non-elected invention, the amendments to these claims filed April 28<sup>th</sup>, 2003 are not considered.

Applicant's arguments filed April 28<sup>th</sup>, 2003 have been fully considered but they are not persuasive.

Applicant contends that Wegge does not show that the handle pull pivots longitudinally. The Examiner asserts that the phrase "pivots longitudinally" most closely means pivoting in the direction of a longitudinal axis. In the context of the claim, considering that the handle pull pivots longitudinally, the handle pull must pivot in the direction of the longitudinal axis of the handle pull, or more precisely the direction of motion of the handle pull must have at least a component in the direction of the longitudinal axis of the handle pull. However, the longitudinal axis of the handle pull is not defined relative to the structure presented in the claim. A longitudinal axis of the *vehicle* is mentioned, but not defined relative to the structure of the handle arrangement. However, as best supported, continuing with the longitudinal axis being that of the vehicle, the handle pull of Wegge does pivot longitudinally. Since the arms (3, 4) of Wegge that control the movement of the handle pull are slanted, the direction of the motion of the handle pull has a component in the direction of the longitudinal axis of the vehicle.

Applicant contends that Larabet does not show a swiveling axis that is tilted relative to a vertical axis of the mounting. However, the Examiner asserts that the vertical axis of the mounting is parallel to the vertical axis of the vehicle. Therefore, since the mounting is tilted relative to the vertical axis of the mounting, the swiveling axis is tilted relative to a vertical axis of the mounting.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew E. Rodgers whose telephone number is (703) 306-3406. The examiner can normally be reached on regular work hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J. Swann can be reached on (703) 306-4115. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9326 for regular communications and (703) 872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-2168.

*MR*  
MR  
May 27, 2003

J. J. SWANN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600